

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

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3  
4 February 8, 2011

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7 The North Ogden City Council convened in regular session on February 8, 2011 at 5:30 p.m. in the North  
8 Ogden City Council Chambers, 505 East 2600 North. Notice of time, place and agenda of the meeting  
9 was delivered to each member of the City Council, posted on the bulletin board at the municipal office  
10 and posted to the Utah State Website on February 3, 2011. Notice of the annual meeting schedule was  
11 published in the Standard-Examiner on January 1, 2011.  
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13  
14 **PRESENT:** Richard G. Harris Mayor  
15 Martha Harris Council Member (by phone – left at 6:59pm)  
16 Wade Bigler Council Member  
17 Brent Taylor Council Member  
18 Ron Flamm Council Member  
19 Carl Turner Council Member  
20

21 **STAFF PRESENT:** Edward O. Dickie III City Manager  
22 Annette Spendlove City Recorder/HR Director  
23 Dave Carlson City Attorney  
24 Debbie Cardenas Finance Director/Acting City Manager  
25 Polo Afuvai Chief of Police  
26 Mel Blanchard Public Works Director  
27

28 **EXCUSED:** Julia LaSeure Deputy City Recorder  
29

30 **VISITORS:** Dave Hulme Rachel Trotter  
31 Taylor Spendlove  
32  
33

34 **WELCOME**

35  
36 Mayor Harris welcomed those in attendance and called the meeting to order at 5:30pm. Council Member  
37 Turner gave the invocation and led the audience in the pledge of allegiance.  
38

39 **Council Member Wade Bigler moved to allow Council Member Martha Harris to participate by**  
40 **phone. Council Member Ron Flamm seconded the motion.**  
41

42 **Voting on the motion:**  
43

44 **Council Member Brent Taylor** yes  
45 **Council Member Carl Turner** yes  
46 **Council Member Ron Flamm** yes  
47 **Council Member Wade Bigler** yes  
48 **Motion passed.**  
49

50 **CONSENT AGENDA**

- 51 1. Consideration to approve minutes of the January 11, 2011 City Council meeting.  
52 2. Consideration and/or action to approve business licenses.  
53 3. Discussion and/or action to set February 22, 2011 as the date to hold a public hearing to  
54 receive comments regarding an application to rezone property located at approximately 800  
55 E. 2100 N.

56  
57 **Council Member Ron Flamm moved to approve items 1, 2 and 3 of the consent agenda. Council**  
58 **Member Wade Bigler seconded the motion.**

59 Discussion on the motion:

60 Council Member Wade Bigler asked if Council has discussed item # 3 before. Annette Spendlove, City  
61 Recorder, explained that this was brought to the Council previously when Lyman Barker requested that  
62 this property be rezoned from RE-20 to R-1-8. Mr. Barker is asking that it be rezoned back to RE-20.

63 **Voting on the motion:**

64 **Council Member Brent Taylor** yes  
65 **Council Member Carl Turner** yes  
66 **Council Member Martha Harris** yes  
67 **Council Member Ron Flamm** yes  
68 **Council Member Wade Bigler** yes

69  
70 **Motion passed.**

71 **PUBLIC COMMENTS.**

72 There were no public comments.

73 **PRESENTATION OF A 15 YEAR SERVICE PIN TO SERGEANT DIRK QUINNEY.**

74 Chief Polo Afuvai stated that it is an honor to stand here with this young man. Dirk Quinney attended  
75 Ogden High School; he was hired February 20, 1996. He was promoted to Detective in June 1998 and  
76 became a Sergeant in 2009. Chief Afuvai said what he likes about this young man is his attitude; he has  
77 done a lot for the City. He is loyal and is a great supporter of the Council and Mayor. While he was a  
78 Detective he was a team leader for the Homicide Taskforce in Weber County. There are two teams with  
79 eight detectives on each team. Whenever there is a homicide in Weber County the task force is called  
80 down. It has been a great asset for us and other smaller cities in the County. He has a lot of expertise, he  
81 is smart and the officers really appreciate him.

82 Mayor Harris thanked Sergeant Quinney and stated how much they appreciate him and the rest of the  
83 Police Department.

84 **DISCUSSION ON WHAT CONSTITUTES A "UNIT" IN REGARD TO THE UTILITY BILLING**  
85 **BASE FEE.**

86 Debbie Cardenas, Finance Director, stated that last September the staff came to the Council and explained  
87 that as a result of an audit on the City's utility billing it was discovered that we were not charging a per  
88 unit base fee. We came to Council to get approval of what a unit should be constituted as. We did an  
89 analysis on about 181 units and discovered that there really is no difference between charging one unit  
90 and the amount of water that they use and charging a base fee and the amount of water they use. Staff is

91 recommending that we charge on a base unit. We need to make sure that our water services are covered.  
92 We need to treat every unit as an individual and we are not doing that now. When we ran the analysis the  
93 difference is about a \$3,000 benefit to the City.

94 Council Member Carl Turner asked if a home is charged because the meter is there but if it is a condo  
95 with four rentals you are proposing to charge four base fees. What if a unit is vacant, are they still  
96 charged a base fee? Debbie said if they request that the water be turned off they are not charged. Council  
97 Member Turner said if there is one meter for four units, they can't turn it off. Debbie said that is correct.  
98 Mayor Harris said all units should pay their fair share of the base fee. Debbie Cardenas said it will be the  
99 landlord's responsibility to allocate the additional costs for the base fees.

100 Council Member Wade Bigler said if there is one water meter like in a home how does it cost the City any  
101 more. Debbie Cardenas said it is not costing the City more. We have defined that a resident is a unit but  
102 are not billing it that way. We are not going through the expense of doing that but we are trying to get the  
103 money for it. Council Member Wade Bigler asked what system is costing us the money. Mayor Harris  
104 said it is an equalization issue. The other side of the coin is the City let them have one meter which was  
105 allowed by Code then, but now it is required to have a meter in each unit. Council Member Wade Bigler  
106 said that seems equitable to him but the point that Council Member Carl Turner brought up; people move  
107 in and out and it seems like over the long haul that would be a mess and a headache. He said he doesn't  
108 know how we can deal with that. Annette Spendlove, City Recorder, said that we do that now; the  
109 landlord comes in and lets us know that there is a vacancy. Debbie Cardenas said she wouldn't  
110 recommend that but if that's what the City wants to do that's what we could do. It is an administrative  
111 nightmare but if the City chooses to then we can remove the vacant unit off of the bill.

112 Council Member Brent Taylor stated that one of his concerns is that the multiplex has the same threshold  
113 for the water, 20,000 gallons, as the others. We will get about \$3000.00 more. Debbie Cardenas said that  
114 is over 180 units. Council Member Brent Taylor suggested maybe we charge a \$5 unit fee on multiple  
115 units. Council Member Wade Bigler said he likes the idea of maybe a dollar less per unit to keep up the  
116 spirit of fairness. Council Member Brent Taylor said it accounts for the impracticality of trying to  
117 monitor it but give a more fair across the border fee.

118 Council Member Martha Harris asked, while this may be a good idea, does our software allow us to  
119 support this. Debbie Cardenas said it does allow that. Council Member Martha Harris said as we are  
120 trying to be fair it might come across as arbitrary and capricious. Why \$1? Why not \$2? She said she  
121 personally would like to stay with one fee and make it uniform.

122 **Council Member Martha Harris moved to adopt the proposed fees and definition of what**  
123 **constitutes a unit as proposed. Council Member Carl Turner seconded the motion.**

124 Discussion on the motion:

125 Council Member Brent Taylor asked if the time frame would allow Debbie Cardenas to arrive at another  
126 better number or would it just be a best guess. Debbie Cardenas said it would be a best guess.

127 **Voting on the motion:**

128 <b>Council Member Brent Taylor</b>	<b>no</b>
129 <b>Council Member Martha Harris</b>	<b>yes</b>
130 <b>Council Member Carl Turner</b>	<b>yes</b>
131 <b>Council Member Ron Flamm</b>	<b>yes</b>
132 <b>Council Member Wade Bigler</b>	<b>no</b>

133 **Motion passed 3-2.**

134 **PRESENTATION ON THE BUSINESS SURVEY.**

135 Council Member Brent Taylor presented a PowerPoint (attached). He explained this is an update on the  
136 Economic Development Committee survey that was sent in the utility bill in November. He thanked Dr.  
137 Leah Murray, a professor of Political Science at Weber State University, for the tabulation of this survey.  
138 He said the Committee wanted it to be someone that was not partial to North Ogden.

139 Council Member Ron Flamm said it was interesting to see the results and pointed out that Council  
140 Member Brent Taylor found a great way to save the City money. Council Member Brent Taylor thanked  
141 each member of the Economic Development Committee.

142 Council Member Brent Taylor said this will not change the Master Plan it is an Economic Development  
143 Plan only. It may lead to a review of the Master Plan though. Council Member Wade Bigler asked how  
144 this fits into the General Plan. Mayor Harris said the Economic Development Plan is being guided by the  
145 General Plan at this point. The Economic Development Plan will be its own stand-alone plan in the  
146 confines of the General Plan and City Ordinances. Council Member Bigler said he didn't realize it was  
147 going to be such a long term Committee. He said talk is cheap. We need to treat businesses well and he  
148 couldn't agree more with any of this. He said this has been going for a year and we need to take actions,  
149 not just talk. If we want to help our image we need to clean up the clutter and help the businesses; the  
150 number one way to help businesses it to treat them right. We need to remember that they talk to other  
151 business owners. He hopes that is the direction we end up taking. Council Member Brent Taylor said the  
152 overall deadline was one year which will be April.

153 Council Member Wade Bigler said he appreciates what Council Member Brent Taylor and the Committee  
154 have done. He said we need to take care of the little things first. Council Member Brent Taylor said the  
155 Committee hopes within a month and a half that they have a full plan for the Council's approval. Mayor  
156 Harris said we have sent all the proposed changes to the Planning Commission and they will be to us  
157 soon. One of the things he is very tickled about is the GovQA. Council Member Wade Bigler asked  
158 where we are with the theater sign.

159 Dave Hulme, Planning Commission Chair, stated that the Planning Commission has decided to create an  
160 entertainment overlay zone. He said last Wednesday the Planning Commission started looking at the  
161 actual regulations for signs in that zone. The members approved a concept for staff to work on. It has  
162 been more complicated and in-depth than he thought it would be. Dave Hulme said a large part is this has  
163 been driven because we didn't have enough time to look at everything at once. Mayor Harris said it has  
164 been well worth the time and effort it has taken.

165 Council Member Brent Taylor said once the economy improves we want to be able to, as a City, have a  
166 plan and be able to hit the ground running. Once there is some more stability we want to be ready. Right  
167 now our City is the largest city in the North end of this county and it has potential to grow. Council  
168 Member Wade Bigler said with the decisions that have been made and the results of the survey do we  
169 need to change anything. Council Member Brent Taylor said he will get the final data to Annette  
170 Spendlove, City Recorder, once he gets it. Mayor Harris said it takes more time than you think. The  
171 Committee will make a decision and staff will work on it send it back. It will then go to the Planning  
172 Commission who will tweak it and send it on to the City Council.

173 **DISCUSSION AND OR ACTION TO APPROVE BEER LICENSE FOR WALGREEN'S.**

174 Debbie Cardenas, Finance Director, stated that we did receive the beer license application from  
175 Walgreen's with the required background reports and they have been approved by Chief Polo Afuvai. He  
176 has signed off on the application. Staff recommends approval.

177 **Council Member Carl Turner moved to approve the Beer License for Walgreen's. Council**  
178 **Member Brent Taylor seconded the motion.**

179 **Voting on the motion:**

180 **Council Member Brent Taylor**            **yes**  
181 **Council Member Carl Turner**           **yes**  
182 **Council Member Martha Harris**       **yes**  
183 **Council Member Ron Flamm**           **yes**  
184 **Council Member Wade Bigler**       **yes**

185  
186 **Motion passed.**

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188 **DISCUSSION AND/OR ACTION TO APPROVE FINAL ACCEPTANCE OF LEGACY NORTH**  
189 **II PHASE 6 SUBDIVISION.**

190 Debbie Cardenas, Finance Director, stated that all required improvements have been completed. At this  
191 point we need to release all escrow funds except for the funds we keep for the sidewalks for a year. There  
192 will be some money left in escrow to ensure the completion of the public areas. Staff recommends  
193 approval of Final Acceptance for Legacy North II Phase 6.

194 Council Member Brent Taylor asked what public areas remain to be completed? Debbie Cardenas said  
195 there are two separate escrows, one for public improvements and one for the private areas.

196 Mayor Harris asked that Debbie Cardenas email the information to the Council. She said she will have  
197 that done

198 **Council Member Brent Taylor moved to grant final acceptance for Legacy North II Phase 6**  
199 **Subdivision, with the exception that escrow funds be collected for the sidewalks and the**  
200 **improvements inside the HOA. Council Member Wade Bigler seconded the motion.**

201 **Voting on the motion:**

202 **Council Member Brent Taylor**            **yes**  
203 **Council Member Carl Turner**           **yes**  
204 **Council Member Martha Harris**       **yes**  
205 **Council Member Ron Flamm**           **yes**  
206 **Council Member Wade Bigler**       **yes**

207  
208 **Motion passed.**

209 **COUNCIL/PUBLIC COMMENTS.**

210 Council Member Carl Turner stated that there is a Parks and Trails Committee meeting at 5:30pm  
211 tomorrow night. He asked how we are coming on our Facebook and Twitter sites. Edward O. Dickie III  
212 said we are going through the process now to approve those.

213 Council Member Wade Bigler said there is a foundation called Have a Heart. Every year they try to build  
214 two or three homes for the underprivileged. They make it handicapped accessible. They want to build  
215 one home in North Ogden which they hope to sell to a Veteran. They get donations from builders and  
216 everybody involved. They ask the cities that they do it in to waive the fees. He is asking the Council

217 whether they would support that. He said he does support it wholeheartedly. Mayor Harris said we  
218 would do this by resolution and will bring it to the Council at the next meeting.

219 Edward O. Dickie III said there is a GovQA meeting with businesses scheduled for February 17<sup>th</sup>.

220 Annette Spendlove said the Budget Retreat is scheduled for Friday, March 25<sup>th</sup> beginning at 8am.

221 Council Member Martha Harris left the meeting at 6:59pm.

222 **CONSIDERATION AND/OR ACTION TO ENTER INTO A CLOSED MEETING TO DISCUSS**  
223 **THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY TO BE HELD IN**  
224 **ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-204-5.**

225 **Council Member Brent Taylor moved to recess to a closed meeting. Council Member Carl Turner**  
226 **seconded the motion.**

227

228 **Voting on the motion:**

229 **Council Member Brent Taylor**                    **yes**

230 **Council Member Carl Turner**                    **yes**

231 **Council Member Martha Harris**                    **yes**

232 **Council Member Ron Flamm**                    **yes**

233 **Council Member Wade Bigler**                    **yes**

234

235 **Motion passed.**

236

237 The meeting recessed at 7pm.

238 The meeting reconvened at 8:09pm.

239 Mayor Harris stated that the closed meeting was held in accordance with the provisions of Utah Code 52-  
240 4-204-5. No decisions were made and nothing was voted on other than general direction to staff.

241 **ADJOURNMENT.**

242 **Council Member Wade Bigler moved to adjourn. Council Member Ron Flamm seconded the**  
243 **motion.**

244

245 **Voting on the motion:**

246 **Council Member Brent Taylor**                    **yes**

247 **Council Member Carl Turner**                    **yes**

248 **Council Member Ron Flamm**                    **yes**

249 **Council Member Wade Bigler**                    **yes**

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251 **Motion passed.**

252 The meeting adjourned at 8:10pm.

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Richard G. Harris, Mayor

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S. Annette Spendlove, City Recorder

\_\_\_\_\_  
Date approved

NOT APPROVED